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13 EOE/QOÖÄE EGE

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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18  
19 UNITED STATES OF AMERICA, ) No. 08-CR-375 RMW  
20 Plaintiff, )  
21 v. ) STIPULATION AND []  
22 JAVIER ESPINOZA, ) ORDER CONTINUING HEARING TO  
23 Defendant. ) JUNE 18, 2012  
24 )  
25 )

26 The Parties, acting through respective counsel, hereby stipulate, subject to the Court's  
27 approval, that the hearing currently set for May 29, 2012 at 9 a.m. be vacated, and that the  
28 hearing be re-set for June 18, 2012 at 9 a.m. The parties are requesting the continuance of the  
hearing due to the need for additional time for effective preparation, and the need to jointly  
negotiate a resolution in this matter. The defense has presented government counsel with a legal  
issue that government counsel needs additional time to review.

29 The parties stipulate that the time between May 29, 2012 and June 18, 2012, is excluded  
30 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
31 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
32 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

1 ends of justice served by granting the requested continuance outweigh the best interest of the  
2 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
3 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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6 DATED: May 23, 2012

7 MELINDA HAAG  
United States Attorney

8 \_\_\_\_\_/s/\_\_\_\_\_

9 CAROLYNNE A. SANIN  
Special Assistant United States Attorney

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11 \_\_\_\_\_/s/\_\_\_\_\_

12 VARELL FULLER  
Attorney for Defendant

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18 **1ORDER**

19 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
20 ORDERED that the hearing currently set for May 29, 2012 at 9 a.m., shall be continued to June  
21 18, 2012, at 9 a.m.

22 THE COURT FINDS that failing to exclude the time between May 29, 2012 and June 18,  
23 2012, would unreasonably deny the government continuity of counsel and deny defense counsel  
24 reasonable time necessary for effective preparation, taking into account the exercise of due  
25 diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

26 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
27 between May 29, 2012 and June 18, 2012, from computation under the Speedy Trial Act  
28 outweigh the interests of the public and the defendant in a speedy trial.

1 THEREFORE, IT IS HEREBY ORDERED that the time between May 29, 2012 and  
2 June 18, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
3 3161(h)(7)(A) and (B)(iv).

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5 IT IS SO ORDERED.

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7 DATED: 1~~0~~ 0~~0~~ 0~~0~~ FG

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*Ronald M. Whyte*  
RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE